

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

April 19,2006

SECRETARY'S MEMORANDUM 3450-002

DESIGNATION OF CHIEF FREEDOM OF INFORMATION ACT OFFICER

1 BACKGROUND

On December 14, 2005, the President signed Executive Order 13392, "Improving Agency Disclosure of Information." The Executive Order calls for enhancements in efforts by all Executive Branch departments and agencies to carry out responsibilities under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and to achieve measurable improvements by assuring that requests submitted under FOIA for information available to the public are processed in an efficient and appropriate manner. Specifically, the Executive Order requires that the head of each Federal agency:

- a Designate within 30 days, "at the Assistant Secretary or equivalent level," a Chief FOIA Officer who will have broad responsibility for supervision of the agency's FOIA activities, and provide notification of same to the Attorney General and the Director of the Office of Management and Budget (OMB);
- b Establish one or more FOIA Requester Service Centers, which requesters may contact to learn the status of their FOIA requests and which are required to have appropriate staff to receive and respond to inquiries from FOIA requesters;
- c Through the Chief FOIA Officer, designate one or more agency officials as FOIA Public Liaisons who will serve as supervisory officials with whom FOIA requesters can, *inter alia*, raise concerns regarding the agency's handling of their FOIA requests and FOIA-related inquiries. Agencies are expected to accomplish such measures using existing staff and resources;

- d Submit a report to the Attorney General and the Director of OMB, no later than 6 months from the date of the Order, summarizing the results of a comprehensive review of the agency's practices under FOIA; and
- e Include in the agency's annual FOIA reports for fiscal years 2006 and 2007 a report on the agency's development and implementation of an agency-specific plan to assure that its administration of FOIA is in accord with applicable law and the policies enunciated in the Order.

2 **ACTIONS ORDERED**

Effective immediately, the Assistant Secretary for Administration is designated to serve as the Chief FOIA Officer for the Department of Agriculture, and in this role to (a) supervise the performance within USDA of all activities undertaken to implement and comply with the FOIA and Executive Order 13392; (b) make recommendations regarding establishment of FOIA Requester Service Centers; (c) designate FOIA Public Liaisons for USDA who will carry out the roles prescribed in the Executive Order; (d) prepare the report which is required under the Executive Order to be submitted to the Attorney General and the Director of OMB; and (e) supervise the preparation of USDA's annual FOIA reports for 2006 and 2007, including within them reports regarding the Department's specific plans to assure that our administration of FOIA is fully in accord with the FOIA and the policies of Executive Order 13392.

The Freedom of Information and Privacy Act Coordinator presently located within the Office of Communications, and the staff year, equipment, and additional resources presently dedicated to her function, are hereby reassigned to the Assistant Secretary for Administration. The Director, Office of the Executive Secretariat, is directed to provide advice and assistance to the Assistant Secretary for Administration in connection with the development and implementation of any electronic and other logging and tracking systems which may be contemplated for coordinating the Department's FOIA requests or any subsets thereof. The General Counsel and the Chief Information Officer are directed to advise and assist the Assistant Secretary for Administration in connection with all aspects of performance of the Chief FOIA Officer role.

3 **INCIDENTAL TRANSFERS**

The Assistant Secretary for Administration, the Chief Financial Officer, and the Director, Office of Budget and Program Analysis, will assist as necessary with respect to the transfer of personnel, property, equipment, and other incidentals.

4 **TERMINATION**

This Secretary's Memorandum shall expire after one year, or at such earlier time as its provisions have been incorporated in the Department's published delegations of authority.

Mike Johanns
Secretary